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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BROWN, VERNAL U	
ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/738,819	NYSEN, PAUL	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on July 19, 2004.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 4, 5 and the addition of claims 9-13.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkins et al. U.S Patent 5576692 in view of Chanroo et al. U.S Patent 5684859 and further in view of Zimmerman U.S Patent 6342836.

Regarding claims 1 and 9, Tompkins et al. teaches an apparatus (figure 2) for determining the location of an item, from among a plurality of like items (col. 1 lines 30-32), the apparatus comprising, in combination:

a paging device (10) adapted to be located on or near the item, the paging device having a unique paging device identification code (col. 2 line 27) and including:

an RF receiver for receiving and detecting RF transmissions from a commercial paging service (col. 2 line 20), the RF transmissions including a paging device identification code for a particular paging device and a paging message associated therewith (col. 2 line 27). Tompkins et al. further teaches the transmission of the code bearing the assign code of the beeper and causing the pager assign to the missing luggage to emit an audible signal (col. 2 lines 45-48) but is not explicit in teaching a comparator, connected to the RF receiver, for determining when the paging device identification code received from the commercial paging service equals the paging device identification code for the respective paging device and is also silent on teaching a locator transmitter adapted to be co-located with the item and the paging device and a transponder tag adapted to be co-located on or near item with the paging device. Cahnroo et al. in an art related pager receiver teaches a comparator, connected to the RF receiver, for determining when the paging device identification code received from the commercial paging service equals the paging device identification code for the respective paging device represents a stand means of addressing a paging device (col. 6 lines 55-59) but is also silent on teaching a locator transmitter adapted to be co-located with the item and the paging device and a transponder tag adapted to be co-located on or near item with the paging device. Zimmerman in an art related proximity and sensing system for baggage teaches the combine use of a paging device and a transponder tag for locating an item (col. 11 lines 42-col. 12 line 7) in order to provide communication over different frequency range. Zimmerman further teaches a transponder reader (81) for receiving a signal from the tag

in response to the interrogating signal (col. 12 lines 3-7) and the also teaches the conventional use of computers for tracking the baggage (col. 2 lines 41-42) but is also silent on teaching storing in the computer, the paging device identification code and the tag identification code in association with each other. One skilled in the art recognizes that the tag and the paging device are associated with the same item (baggage) so their identification numbers are associated.

It would have been obvious to one of ordinary skill in the art to have a transponder with the means for emitting an RF signal in response to an RF interrogation signal and an interrogator for receiving the response signal in Tompkins et al. in view of Chanroo et al. as evidenced by Zimmerman because Tompkins et al. in view of Chanroo et al. suggests a transceiver for receiving command signal and transmitting location information and Westman et al. teaches a transponder having the means for emitting an RF signal in response to an RF interrogation signal and further teaches the use the use of the paging network to control the transponder and a command center (interrogator) with a computer for receiving the response signal. Zimmerman in an art related proximity and sensing system for baggage teaches the combine use of a paging device and a transponder tag for locating an item in order to provide communication over different frequency range and one skilled in the art recognizes that the tag and the paging device are associated with the same item (baggage) so their identification numbers are also associated with the monitored item.

Regarding claim 6, Tompkins et al. in view of Chanroo et al. teaches an apparatus (figure 2) for determining the location of an item, from among a plurality of like items

(col. 1 lines 30-32) but is silent on teaching a locator transmitter produces, and the locator device receives, a RF locator signal. Zimmerman in an art related proximity and sensing system for baggage teaches a locator transmitter (29) and the locator device (41) receives a locator signal (col. 10 lines 41-60).

It would have been obvious to one of ordinary skill in the art to produce the locator signal and the locator device receives the locator signal in Tompkins et al. in view of Chnaroo et al. as evidenced by Zimmerman because Tompkins et al. suggests an apparatus for determining the location of an object transmitting and receiving paging messaging for providing object location and Zimmerman teaches a locator transmitter produces the locator signal and the locator device receives the RF locator signal in order to provide indication of the location of the object.

Regarding claim 13, Tompkins et al. teaches a location receiver module operable to determine the location of the paging device (col. 2 lines 66-67).

Claims 4-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkins et al. U.S Patent 5576692 in view of Chanroo et al. U.S Patent 5684859 in view of Zimmerman U.S Patent 6342836 and further in view of Westman et al. U.S 6236836.

Regarding claims 4 and 12, Tompkins et al. in view Chanroo et al. in view of Zimmerman teaches the combine use of a paging device and a transponder tag for locating an item (see response to claim 1) but is silent on teaching the paging messages includes a command to switch off the tag and a tag control device connected to the paging device for preventing the tag from responding to an RF interrogation when the

switch off command is received by the paging device. Westman et al. in an art related Transponder System For Localization Of An Object teaches the use of a page message to disable the transponder (col. 8 lines 1-3). Westman et al. further teaches the control logic performs the control command operation receive from the paging device (col. 4 lines 30-36), therefore control logic is the control device for controlling the respond to the page command including preventing the tag from responding to an RF interrogation when the switch off command is received by the paging device.

It would have been obvious to one of ordinary skill in the art to for the paging message to include a command to switch off the tag and a tag control device connected to the paging device for preventing the tag from responding to an RF interrogation when the switch off command is received by the paging device in Tompkins et al. in view Chanroo et al. in view of Zimmerman as evidenced by Westman et al. because Tompkins et al. in view Chanroo et al. in view of Zimmerman suggests receiving paging messages for locating an object and Westman et al. teaches the use of a page message to disable the transponder and further teaches the control logic performs the control command operation receive from the paging device, therefore control logic is the control device for controlling the respond to the page command including preventing the tag from responding to an RF interrogation when the switch off command is received by the paging device.

Regarding claims 5 and 11, Tompkins et al. in view Chanroo et al. in view of Zimmerman teaches the combine use of a paging device and a transponder tag for locating an item (see response to claim 1) but is silent on teaching a CPU coupled to the

transponder reader for initiating a page by the commercial paging system. Westman et al. in an art related Transponder System For Localization Of An Object teaches the command center that initiates the page is connected to a computer system (col. 6 lines 12-13) and a computer system inherently includes CPU.

It would have been obvious to one of ordinary skill in the art to have a CPU coupled to the transponder reader for initiating a page by the commercial paging system in Tompkins et al. in view Chanroo et al. in view of Zimmerman as evidenced by Westman et al. because Tompkins et al. in view Chanroo et al. in view of Zimmerman suggests receiving paging messages for locating an object and Westman et al. teaches the command center that initiates the page is connected to a computer system and a computer system inherently includes CPU.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkins et al. U.S Patent 5576692 in view of Chanroo et al. U.S Patent 5684859 in view of Zimmerman U.S Patent 6342836 and further in view of Friedman et al. U.S Patent 6412086.

Regarding claim 3, Tompkins et al. in view of Chanroo et al. in view of Zimmerman is silent on teaching the transponder tag utilizes energy from the RF interrogation to transmit the RF signal. Friedman et al. in an art related Radio Frequency Identification tag teaches a radio frequency transponder extracting energy from the

interrogation signal (col. 4 lines 14-16). One skilled in the art also recognizes that it is conventional practice for a passive tag to extract its energy from the interrogation signal.

It would have been obvious to one ordinary skill in the art for the transponder tag to utilize energy from the RF interrogation signal to transmit the RF signal in Tompkins et al. in view of Chanroo et al. in view of Westman et al. as evidenced by Friedman et al. because Tompkins et al. in view of Chanroo et al. in view of Westman et al. suggests a transceiver for receiving command signal and transmitting location information and Friedman et al. teaches a radio frequency transponder extracting energy from the interrogation signal and one skilled in the art also recognizes that it is conventional practice for a passive tag to extract its energy from the interrogation signal.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkins et al. U.S Patent 5576692 in view of Chanroo et al. U.S Patent 5684859 in view of Zimmerman U.S Patent 66342836 and further in view of Elliot et al. U.S Patent 6424928.

Regarding claims 7 and 8, Tompkins et al. in view of Chanroo et al. in view of Zimmerman teaches the use of RF locator signal (col. 2 lines 22-23, U.S Patent 5576692) but is silent on teaching the locator device produces and the locator receiver receives an infrared or an ultrasound signal. One skilled in the art recognizes that infrared and ultrasound signals are widely used as an alternative wireless signal to radio frequency as evidenced by Elliot et al. (col. 9 lines 61-65).

It would have been obvious to one of ordinary skill in the art for the locator device to produce and the locator receiver receive an infrared or an ultrasound signal in

Tompkins et al. in view of Chanroo et al. in view of Zimmerman as evidenced by Elliot et al. because one skilled in the art recognizes that infrared and ultrasound signals are widely used as an alternative wireless signal to radio frequency as evidenced by Elliot et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-6:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vernal Brown
November 16, 2004

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